

Group IV, claims 26-28, drawn to a method of filling a container;

Group V, claims 29-33, drawn to an apparatus for filling the container; and

Group VI, claims 34 and 35, drawn to a container plus contents.

In response to this requirement, Applicants hereby elect Group I, claims 1-13 drawn to a container. This election is with traverse.

It is respectfully submitted that it should be no undue burden on the Examiner to consider all claims in the single application. The Examiner asserts that the inventive container does not provide a contribution over the prior art and that, as a consequence, the claims are not considered to be linked as to form a single inventive concept.

The inventive container of the present invention comprises walls defining a closed compartment and a duct means, extending from the compartment and being sealed in the empty state of the container before filling. It is respectfully submitted that this is not shown in the prior art utilized by the Examiner.

The prior art references utilized by the Examiner all disclose containers with open compartments in the empty state before filling.

For example, U.S. Patent 4,736,572 to FANG et al. discloses a container (see Fig. 1c, for example), with a lower sealed duct means in the empty state before filling. However, an upper edge portion is unsealed in said empty state and thus the compartment is not closed. European document No. EP 380 107 discloses a container with an open duct means in the empty state of the container. Finally, German document No. DE 94 11 588.5 discloses a container with an upper unsealed edge portion. The compartment defined by the walls of the container is therefore not closed.

Accordingly, it is respectfully submitted that independent claims 1, 14, 22, 26, and 29 of the present invention, as well as their dependent claims, are neither taught nor suggested by the prior art utilized by the Examiner, and therefore exhibits inventive step over the prior art.

Because the compartment of the present invention is closed and the duct means is sealed in the empty state before filling, it is possible to sterilize the compartment of the container when manufacturing the same and also to maintain the sterility of the compartment. As a consequence, no sterilization of the compartment is required in connection with the filling of the container. This means that the filling equipment can be simplified.

Again, it is respectfully submitted that independent claims 1, 14, 22, 26, and 29 of the present invention, as well as their dependent claims, are neither taught nor suggested by the prior art

utilized by the Examiner, and that the various claims of the present invention do form a single inventive concept. Reconsideration and withdrawal of this Restriction Requirement are therefore respectfully requested.

In the event that the Examiner persists in this requirement, Applicants reserve the right to file a Divisional application at a later time, if so desired.

In the event there are any outstanding matters remaining in this application, the Examiner is invited to contact the undersigned (703) 205-8000 in the Washington, D.C. area.

Favorable reconsideration and an early Notice of Allowance are earnestly solicited.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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